

SENATE No. 576

The Commonwealth of Massachusetts

PRESENTED BY:

Robert A. O'Leary

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act Relative to the Determination of Need for Independently Licensed/Commercial Laboratories .

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Robert A. O'Leary	Cape and Islands

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

AN ACT RELATIVE TO THE DETERMINATION OF NEED FOR INDEPENDENTLY LICENSED/COMMERCIAL LABORATORIES .

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Chapter 111 of the general laws is hereby amended by inserting after section 53G,
2 as added by section 11 of chapter 305 of the acts of 2008, the following new section: -

3 “Section 53H. Notwithstanding any general or special law or regulation to the contrary, no original
4 license shall be issued to establish a clinical laboratory unless there is a determination by the department
5 that there is a need for such facility. The department shall promulgate regulations to implement this
6 section, including with respect to grandfathering of existing facilities.”

7 SECTION 2. Section 25B of said chapter 111 is hereby further amended by inserting within the
8 definition of "Expenditure minimum with respect to substantial capital expenditures", after the clause
9 “other than ambulatory surgery,” the following:-
10 “or other than expenditures with respect to an independently licensed clinical laboratory”.